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JOHN H. SHAFER, P.E.
EXECUTIVE DIRECTOR

July 1, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Dear Ms. Searcy:

The New York State Thruway Authority supports the comments filed by the International Bridge, Tunnel and Turnpike Association (IBTTA), representing over 300 toll facilities worldwide, opposing the Notice of Proposed Rulemaking (NPRM), PR Docket 93-61.

This NPRM would change interim regulations governing the use of Industrial, Scientific and Medical (ISM) applications operating in the range of 902 - 928 MHz. Electronic Toll and Traffic Management (ETTM) and Automatic Vehicle Identification (AVI) systems, examples of Intelligent Vehicle Highway Systems (IVHS), also use this band.

Should this NPRM be granted, there would be inadequate frequencies available to operate effective and accurate

Under this NPRM, highway agencies, toll facilities and ultimately the consumer would have to pay the anticipated costs and endure undue inconvenience when existing ETTM systems would have to be modified to conform to the new operating frequencies within the stated three year migration period.

For toll authorities planning to install and operate ETTM systems in the near future, they would experience implementation delays, greater risks and increased costs with such limited frequency availability.

Enclosed, for your convenience, is a copy of IBTTA's Executive Summary highlighting its opposition to the NPRM.

Thank you for your consideration.

Sincerely,

Executive Director

Enclosure

Executive Summary

Statement of the International Bridge, Tunnel and Turnpike Association

Amendment of Section 90.239 - Federal Communications Commission's Rules to Adopt Permanent Regulations for Automatic Monitoring Systems: RM-8013; PR Docket No. 93-61; FCC No. 93-141.

Background

The International Bridge, Tunnel and Turnpike Association (IBTTA) is the not-for-profit trade association representing the worldwide toll industry. Our members operate more than 300 toll facilities in 23 countries. These toll roads, bridges and tunnels carry more than seven billion vehicles each year.

IBTTA supports toll financing as an effective alternative or supplement to taxes and other revenues to finance the design, construction, operation and maintenance of transportation facilities. Enactment of the Intermodal Surface Transportation Assistance Act of 1991 (ISTEA) and the Clean Air Act Amendments of 1990 recognize the important contributions toll financing and highway technology make to national mobility, productivity and clean air goals. Toll agencies require adequate spectrum to achieve these important objectives.

Explanation of NPRM

The NPRM seeks to establish separate licensable bands within the 902-928 MHz spectrum currently available for wide-band and narrow-band use. The wide-band applications would be licensed to operate in the 904-912 and 918-926 MHz bands. The narrow-band uses would be licensed to operate in the 902-904, 912-918, and 926-928 bands. The FCC would classify Location and Monitoring Service (LMS) as a narrow-band application. The Commission considers ETTM, the toll industry's application of Intelligent Vehicle Highway Systems (IVHS), a LMS.

We oppose changes to Federal Communications Commission (FCC) regulations contained in the Notice of Proposed Rulemakikng (NPRM), PR Docket 93-61. The FCC, through this NPRM, desires to change interim regulations (adopted in 1974) governing the use of Industrial, Scientific and Medical (ISM) applications band in the range of 902 through 928 MHz. Electronic toll and Traffic Management (ETTM) and Automatic Vehicle Identification (AVI) systems also use this band.

ETTM Definition

Recent technological advances allow the toll industry to collect tolls electronically in the accurate, efficient and cost-effective manner desired by the motoring public. Using ETTM systems, motorists can pay tolls in a hands-free, non-stop environment at highway speeds.

ETTM systems allow drivers to pass through toll plazas equipped with tag readers. The reader communicates with a tag attached to or in the vehicle and records the transaction. Customers can either pre-pay with cash or by credit card to set up an account and receive a tag. ETTM provides added toll plaza capacity, reduced fuel consumption, less congestion, cleaner air and increased productivity.

ETTM Current Uses and Future Projects

There are at least sixteen agencies with ETTM systems installed, or currently in the installation process. These agencies collectively handle approximately 54 percent of the annual toll traffic in the United States. This amounts to slightly over two billion transactions processed by these authorities each year.

For instance, the Texas Turnpike Authority has been operating TOLLTAG on the Dallas North Tollway since 1989. The system improves the agency's efficiency and reduces peak period congestion on the Tollway. This added capacity benefits all motorists, whether they are ETTM subscribers or not. The Authority has issued more than 60,000 tags to nearly 42,000 accounts, and processes more than 20 million transactions annually, virtually without error.

Due to this and similar successes, numerous toll agencies will use ETTM for electronic toll collection and traffic management. Moreover, some toll authorities plan to use federal funds, available under the IVHS provisions of ISTEA, to install ETTM systems.

In California, ETTM technology will make it possible for drivers of single occupant vehicles to use and pay for the excess capacity of dedicated high occupancy vehicle lanes. Variable toll rates will allow officials to give commuters an incentive to avoid peak period travel and to form carpools.

In another effort, seven toll authorities in the Northeast are participating in an Interagency Group to select a compatible ETTM system for use by motorists throughout the New York, New Jersey and Pennsylvania region. This region accounts for nearly 40 percent of all toll transactions and 67 percent of all toll revenue in the United States.

The E-ZPass system will allow region-wide electronic toll collection at all toll facilities. These include river crossings, toll facilities serving central business districts, and intra- and inter-state roads operated by the seven member agencies. While each agency in the group is responsible for installing and operating ETTM systems on its own facility, the interagency approach will provide maximum convenience to motorists. It is anticipated that

Granting this NPRM would jeopardize toll agencies that currently use ETTM applications successfully throughout the United States. It would also seriously hamper those agencies planning to use ETTM in the future. Highway officials could lose the ability to use proven technology to meet regional transportation needs.

Specifically, this NPRM would provide more spectrum for wide-band uses, specifically 16 MHz in the 904-912 and 918-926 MHz bands. Narrow-band applications, such as ETTM, would only be given 10 MHz in the 902-904, 912-918, and 926-928 MHz bands. Secondly, even though the NPRM would not by definition be granting an exclusive use status for one IVHS application, it would be giving wide-band systems exclusivity in bands already used by ETTM systems.

The Association submitted comments, filed December 7, 1992, opposing the petition for rulemaking by North American Teletrac Location Technologies, Inc. (Teletrac). Teletrac, through its petition, desires to change the existing interim FCC regulations seeking exclusive use of a large part of the 900 MHz band.

IBTTA understands that the Teletrac system, defined as a wide-band use, is a pulse-ranging vehicle location system. Teletrac and similar products will, in the future, benefit the public by tracking commercial truck traffic, locating stolen vehicles and providing emergency road service.

Teletrac is one example of an IVHS technology serving a particular need of a specific group of users or customers. Similarly, ETTM systems are another type of application serving a unique need.

Conclusion

The Association believes that adopting this NPRM would not serve the best interests of national transportation policy in the United States. The Commission, for all practical purposes, would be implementing the desires expressed by Teletrac in its original petition, while contradicting the vision and expectations of ISTEA and the Clean Air Amendments. The FCC would find itself prioritizing one IVHS application over another, though each is designed to meet a separate demand.

Should this NPRM be adopted, it would interfere with future ETTM systems. Such action would discourage interested parties from spending time staff resources and money to research, test and develop ETTM applications that provide AVI services under the FCC Part 90 regulations.